

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 23139 of 2006(D)

AGAINST THE ORDER IN IA 2163/2003 IN
OP.654/2002 of FAMILY COURT,THRISSUR
.....

PETITIONER:

B.I. GEETHA, AGED 40,
D/O. BHASKARAN NAIR, RESIDING AT "GEETHA NIVAS",
SHANTI NAGAR, AYYANTHOLE VILLAGE, THRISSUR TALUK.

BY ADV. SRI.THIYYANNOOR RAMAKRISHNAN
SRI.ARUN KUMAR.P

RESPONDENTS:

RAM MOHAN, S/O.ORUYOTH VEETIL-
O.K.KARUNAKARAN NAIR, CHEERUPURAM DESOM,
THIKODI VILLAGE, KOZHIKODE TALUK.

BY ADV. SRI.M.P.VIJAYAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

EXT.P1: TRUE COPY OF OP.654/2002 ON THE FILE OF FAMILY COURT, THRISSUR.

EXT.P2: TRUE COPY OF AMENDMENT APPLICATION IN IA.2163/03.

EXT.P3: OBJECTIONS FILED BY RESPONDENT IN IA.2163/03.

EXT.P4: ORDER OF LEARNED FAMILY COURT, THRISSUR.

EXT.P5: OP.658/99 FILED BY PETITIONER.

EXT.P6: CERTIFICATE ISSUED BY DR.SREEDEVI DT. 17/1/2000.

EXT.P7: CERTIFICATE ISSUED BY DR..DARWIN D. THERATTIL DT. 11/2/2001.

EXT.P8: TRUE COPY OF COMPLAINT.

RESPONDENTS' EXHIBITS:

EXT.R1(A): TRUE COPY OF NOTICE DT. 28/6/02.

EXT.R1(B): TRUE COPY OF OP.361/02.

EXT.R1(C): TRUE COPY OF CERTIFICATE ISSUED BY DR.GEORGE P ABRAHAM.

Dated this the 19th day of January, 2006

J U D G M E N T

Basheer, J:

Petitioner/wife in a proceeding for dissolution of marriage pending before the Family Court, Thrissur has preferred this writ petition under Article 227 of the Constitution of India challenging Ext.P4 order passed by the court below, by which her application for amendment was dismissed. Learned Judge took the view that the amendment would entirely change the nature of the Original Petition. It was also held that no satisfactory explanation had been given by the petitioner as to why he omitted to state the available grounds in the original petition at the initial stage itself.

2. We have been taken through the application for amendment filed by the petitioner. We have heard learned counsel for the parties. Having regard to the nature of the amendment sought for, we are unable to agree with the view taken by the learned Judge. In our view the amendment ought to have been allowed atleast to avoid multiplicity of proceedings.

3. In the above facts and circumstances Ext.P4 order is set aside. The court below shall pass appropriate fresh orders on the amendment application in the light of the observations made above. The court below shall proceed with the case in accordance with law after

affording sufficient opportunity to the respondent to file additional counter statement. The case shall be disposed of as expeditiously as possible.

Writ Petition is disposed of in the above terms.

Kurian Joseph
Judge.

A.K. Basheer
Judge.

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